

# 4 DAC /D

Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)

Docket No.  
COTE/971/US

In Re Application Of: Armand Cote

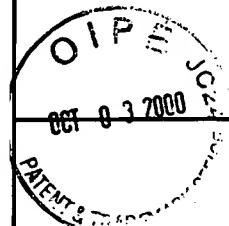
Serial No.  
09/140,049

Filing Date  
08/26/98

Examiner  
Glessner, B.

Group Art Unit  
3635

Invention: Breakaway Utility Pole



RECEIVED

OCT 06 2000

ASSISTANT COMMISSIONER FOR PATENTS  
Attention: Office of Petitions  
Box DAC  
Washington, D.C. 20231

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1.  A proposed reply to the above-identified Office Action:

is enclosed.  was filed on \_\_\_\_\_

The proposed reply is in the form of: the enclosed response with amendments

2.  The issue fee:

is enclosed.  was paid on \_\_\_\_\_

3.  A small entity declaration:

is enclosed.  was filed on 08/26/98

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605.00 OP

4.  The abandoned application was a:

design application.  utility application.  plant application.

5.  A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6.  Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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**Calculation and Payment of Fees**

Enclosed are the following fees:

7.  Petition fee under 37 CFR 1.17(m) in the amount of: \$605.00

8.  Fee for amendment in the amount of: \_\_\_\_\_

9.  Fee for extension of time to reply to Office Action in the amount of: \_\_\_\_\_

10.  Issue fee in the amount of: \_\_\_\_\_

11.  Continuing application filing fee in the amount of: \_\_\_\_\_

12.  Terminal disclaimer fee in the amount of: \_\_\_\_\_

13.  \_\_\_\_\_

Total fees enclosed: \$605.00

The fee of \$605 is to be paid as follows:

A check in the amount of the fee is enclosed.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 04-1130

A duplicate copy of this sheet is enclosed.

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3635

Invention: Breakaway Utility Pole

**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

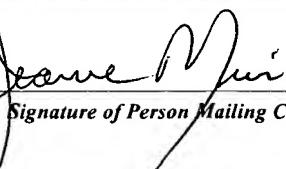


*Signature*

Dated: 09/27/00

Brian M. Dingman  
Reg. No. 32,729

I certify that this document and fee is being deposited  
on 9/28/00 with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.



*Signature of Person Mailing Correspondence*

Jeanne Muir

*Typed or Printed Name of Person Mailing Correspondence*

CC:



MIRICK O'CONNELL  
ATTORNEYS AT LAW  
MIRICK, O'CONNELL, DEMALLIE & LOUgee, LLP

September 28, 2000

Commissioner of Patents and Trademarks  
U.S. Patent and Trademark Office  
Washington, DC 20231

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OCT 06 2000

SUBJECT: Applicant: Armand Cote  
Serial No: 09/140,049  
Filed: 8/26/00  
For: Breakaway Utility Pole  
Examiner: Glessner, B.  
Group: 3635  
Docket No: COTE/971/US

OFFICE OF PETITIONS

Dear Sir:

Enclosed is a Response in reply to the Office Action mailed June 29, 1999, in the subject application. Also enclosed is a Petition for Revival of An Application for Patent Abandoned Unintentionally. A check in the amount of \$605.00 for the fee is enclosed.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned in Westboro, Massachusetts (508) 898-1818.

If any payment during prosecution is found to be insufficient or if any overpayment is found, please charge any deficiency or credit any overpayment to my deposit account number 04-1130. A copy of this letter is enclosed for use by the Finance Branch in the event that it is necessary to make any charge or credit to my deposit account.

Kindly acknowledge receipt of the foregoing by returning the enclosed self-addressed postcard.

Very truly yours,

Brian M. Dingman

BMD:jam  
Enclosure

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MIRICK O'CONNELL

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